Amendments to the Drawings:

Attached hereto are revised drawing sheets for Figs. 2, 3 and 4. The revisions add relevant reference numerals to the drawings.

No new matter has been added.

Please substitute the attached replacement sheets for originally filed drawing Figs. 2, 3 and 4.

Also attached hereto are comparison copies of the revised drawing sheets on which the changes are highlighted in yellow.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

REMARKS/ARGUMENTS

The specification has been revised to conform it to the preferred format for U.S. patent applications as required in the Office Action, and a Substitute Specification and Comparison Copy are submitted herewith.

The drawings were objected to because the claim limitation "each portion [of the bearer] extends separately" as recited in original claim 1 had to be shown if this feature is maintained in the claims.

Applicant submits that the drawings already show this feature. In particular, Figs. 1, 3 and 8 show separate first and second portions 16, 17 for each bearer 15 arranged between the top and bottom decks 5, 10. In view thereof, applicant requests that the requirement for revising the drawings in this respect be retracted.

Claims 2-18 are pending in this application. Claim 1 has been canceled.

Claims 5, 8 and 13-14 were rejected under Section 112 for indefiniteness because they use the phrase "and/or" (claims 5 and 13) and, with regard to claim 8, because a weld is not a releasable fastener. The "and/or" language in claims 5 and 13 has been deleted, and claim 8 has been amended by deleting therefrom "welds".

In view of the foregoing, applicant submits that the Section 112 rejection of claims 5, 8 and 13-14 has been overcome.

Original claims 1, 9-14 and 16 were rejected for anticipation by Dash (PCT/AU85/00159).

Dash discloses a "fixed" pallet where the components are welded together. In this regard, Dash discloses:

> Preferably, each bearer is formed by welding two channel members together by their webs with the open face of each channel being outwardly directed. The outwardly directed flanges at the free end of the legs of the upper channel are welded to the pallet deck and the flanges of the lower channel are welded to the pallet base. (page 2, lines 9-14)

Further, on page 4, lines 2-5, Dash states that the pallet "bearer 13 consists of an upper channel 30 and a lower channel 31 which are welded together at their webs 32 with the open mouth of each channel extending outwardly". Consequently, neither of Dash's two channels 30, 31 is in contact with both the pallet deck or the pallet base.

Independent claim 18 requires that "each bearer has a first and a second longitudinally extending bearer portion, with each portion being secured to and extending separately transversely between said decks ...." As is clearly disclosed in Figs. 1, 2 and 3 of the present application, each bearer portion 16, 17 extends from the top deck 5 to the bottom deck 10, while in Dash, as is clearly shown in Fig. 4 and discussed in the quoted portion of the specification on page 4, each channel 30, 31 contacts only one or the other of the top and bottom decks, but not both.

For at least this reason, independent claim 18 is not anticipated by Dash.

Additionally, claim 18 requires "a longitudinally extending central web extending generally normal to said decks ...." Dash does not have a central web that is normal to the decks. Dash's channels have sloping sides and horizontal webs 32 which abut and, as mentioned above, are welded to each other. Dash does not have and does not disclose or suggest a web portion that is normal to the decks, as required by claim 18.

For at least this further reason, independent claim 18 is not anticipated by Dash.

Claims 1, 3-5, 9, 11, 13 and 16-17 were also rejected for anticipation by Kralj (5,662,048).

Kralj discloses a reusable pallet "which may be disassembled for compact storage" (column 2, lines 23-24). For this purpose, Kralj employs top and bottom platforms 2 with channels that are specially formed to receive the ends of solid bearers 3, 4 and 5 which extend between the platforms and maintain them in their spaced-apart configuration during use of the pallet. For storage, the pallet is collapsed by disengaging the solid bearers from the platforms so that the latter can be stacked against each other, as is discussed in column 3, lines 4-14.

New independent claim 18 recites in relevant parts that each bearer has "a first and a second longitudinally extending bearer portion, with each portion being secured to and extending separately transversely between said decks ....", as is clearly illustrated in Figs. 1-3 of the present application. Kralj discloses specially formed, unitary runners, the ends of which are shaped so that they can engage the corresponding cavities in the upper and lower platforms. There is no disclosure or suggestion in Kralj that the runners be constructed of first and second, longitudinally extending portions, each of which is secured to and extends between the decks (or platforms).

For at least this reason, claim 18 is not anticipated by Kralj.

Claim 18 further requires that each bearer have "longitudinally extending inclined web portions securing the central web to the top and bottom webs, each inclined web portion being inclined to the decks by an acute angle". This configuration of the bearers of the present invention is illustrated in Figs. 1 and 5a-5d. Kralj contains no disclosure or suggestion that the bearer should have inclined web portions that are oriented at an acute angle to the upper and lower decks.

For at least this further reason, claim 18 is not anticipated by Kralj.

Still further, independent claim 18 requires that the bottom deck, the top deck and the elongated bearers are formed of sheet metal. In contrast, Kralj discloses that the pallet disclosed therein is made of a plastic material, preferably a recyclable plastic material (column 2, lines 15-20). Moreover, as is clear from the complicated and intricate structure required of the pallets (platforms) and bearers (runners), they could not be made of sheet metal because the required contours and indentations could not be formed of such a material.

Accordingly, for at least this additional reason, claim 18 is not anticipated by Kralj.

Claims 2-8 and 15 were rejected for obviousness over Dash in view of Sanders (4,240,360).

One of ordinary skill in the art would not even consider the pallet disclosed by Sanders for use as a pallet adapted to support heavy loads and the like. Sanders uses a baking tray concept with a horizontal deck and a large number of components. The Sanders pallet has nine protruding feet 11 arranged to render the pallet stackable - a feature not relevant to the present invention. Moreover, the nine feet apply pressure points to any goods that are stacked underneath the pallet when several pallets are stacked on top of each other, as shown in Figs. 28 and 29 of Sanders. There is no teaching, suggestion or hint in Sanders to secure first and second portions of the bearer to each other and to separately extend each portion transversely between the top and the bottom decks, with central webs that are normal to the decks.

One of ordinary skill in the art would further not be motivated to combine Dash with Sanders. Dash discloses a fixed, welded pallet for carrying loads, while Sanders teaches to construct pallets that can be nested one on top of the other. One of ordinary skill in the art would see no relevance between the two, and if he were to combine Dash with Sanders, he would be unable to figure out which aspect of Sanders to include in Dash, or vice versa, so as to arrive at a pallet having bearers between the decks as recited in independent claim 18.

In view thereof, a person of ordinary skill in the art would see no advantage whatsoever to modify Dash with Sanders (by including multiple feet and making the pallet stackable). Similarly, one of ordinary skill in the art would not be motivated to modify Sanders with Dash since that would defeat the desired stackability of Sanders' pallet.

Accordingly, Dash and Sanders are not properly combinable. Even if they were combined, which would be improper, they would not disclose or suggest the features of claims 2-8 and 15.

Claims 2-8 and 15 are therefore independently patentable over Dash in view of Sanders. In addition, these claims are allowable because they depend from allowable parent claim 18.

CONCLUSION

In view of the foregoing, applicant submits that all claims are in condition for allowance and requests a formal notification to that effect at an early date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4730 (direct dial).

Respectfully submitted,

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